

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TEMEKA Q SALLIS
Claimant

APPEAL NO. 06A-UI-11302-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WESTAFF USA INC
Employer

**OC: 06/11/06 R: 03
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated November 9, 2006, reference 06, that concluded she voluntarily left employment for compelling personal reasons for not more than ten days and returned to work but there was no work available. A telephone hearing was held on December 11, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Vicky Matthias participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on job assignments from July 12, 2006, to September 20, 2006. When the claimant was hired, she signed a statement that she would be considered to have voluntarily quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant had accepted a two-day assignment at Omega Cabinets for September 20 and 21. The claimant worked on September 20. After her shift on September 20, she was not feeling well due to asthma. She called a staffing representative with the employer and asked if there was something else she could do because she thought the work was aggravating her asthma. She was told there was no other work available. That night the claimant suffered a severe asthma attack that caused her to be hospitalized. Because of her illness and hospitalization, she was absent from work on September 21 and did not call to notify the employer about her absence.

The claimant was hospitalized through September 22. She sent a note with a friend to take in to the employer on September 22. The note gave the friend permission to pick up her check and informed the employer about her hospitalization.

The claimant came into the branch office on September 29. She asked the staffing representative if she could be placed back on the list of available employees and was assured that she would be put back on list for future openings. The claimant has not received any further referrals to jobs.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements. The unemployment insurance rules provide that an individual would be eligible for benefits if she had good cause for not notifying the employer within three days and did notify the employer at the earliest available opportunity. Good cause includes hospitalization or other substantial reasons. 871 IAC 24.26(15)(b) & (c).

The evidence establishes that the claimant had good cause for not contacting the employer for reassignment within three business days and she notified the employer at the earliest available opportunity regarding her availability to take new assignments. She is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

DECISION:

The unemployment insurance decision dated November 9, 2006, reference 06, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs